DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Parts 172, 173, and 178

[Docket No. HM-139G; Notice No. 84-9]

Conversion of Individual Exemptions Into Regulations of General Applicability

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The MTB is considering amending the regulations governing the transportation of hazardous materials to incorporate therein a number of changes based on existing exemptions which have been granted to individual applicants allowing them to perform particular functions in a manner that varies from that specified by the regulations.

Adoption of these exemptions as rules of general applicability would provide wider access to the benefits of transportation innovations recognized as effective and safe. In addition, these proposed changes would eliminate the need for recordkeeping by the exemption holder(s); eliminate the need for marking the exemption number on the package and shipping paper(s), and, eliminate the need for MTB to receive, review, docket, evaluate, and issue a renewal of the exemption every two years.

DATE: Comments must be received by October 31, 1984.

ADDRESS: Address comments to: Dockets Branch, Materials Transportation Bureau, U.S. Department of Transportation, Washington, D.C. 20590. Comments should identify the docket and be submitted in five copies. Persons wishing to receive confirmation of receipt of their comments should include a self-addressed stamped post card. The Dockets Branch is located in Room 8426 of the Nassif Building, 400 Seventh Street, SW., Washington, D.C.

Public dockets may be reviewed between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590, (202-426-2075).

SUPPLEMENTARY INFORMATION: Each of the proposed amendments described in the following table is founded upon either (1) actual shipping experience gained under an exemption, or (2) the data and analysis supplied in the application for an exemption. In each case the resulting level of safety being afforded the public is considered at least equal to the level of safety provided by the current regulations.

These proposals would not significantly affect the cost of regulatory enforcement, nor would additional costs be imposed on the private sector, consumer, or Federal, State or local governments, since these proposals would merely authorize the general use of shipping alternatives previously available to only a few users under exemptions. The safety record of shipments under the identified exemptions demonstrates that no significant environmental impact would result from any of the proposals. Adoption of an amendment derived from an existing exemption would obviate the need for the exemption and effectively terminate it. Upon such termination the holder of the exemption and parties thereto would be individually notified. Adoption of an amendment derived from an application for exemption should provide the relief sought, in which event the exemption request would be denied and the applicant so notified. In the event the Bureau decides not to adopt any of these proposals, each pertinent application would be evaluated and acted upon in accordance with the applicable provisions of the exemption procedures in 49 CFR Part 107, Subpart B. Consequently, persons commenting on the proposals may wish to address both the proposed amendment and the exemption application.

Each mode of transportation for which a particular exemption is authorized or requested is indicated in the "Nature of Exemption or Application" portion of the table below as follows: 1—Motor vehicle, 2—Rail freight, 3—Cargo vessel, 4—Cargo aircraft only, 5—Passenger-carrying aircraft.

The MTB certifies that this proposed regulation will not, if promulgated, have a significant economic impact on a substantial number of small entities. Also, because the proposals made in this Notice relate to exemptions which have already been approved by the Materials Transportation Bureau, we have further determined that the Notice—(1) is not "major" under Executive Order 12291; (2) is not "significant" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact would be so minimal; (4) will not affect not-for-profit enterprises, or small governmental jurisdictions; and (5) does not require an environmental impact statement under the National Environmental Policy Act (49 U.S.C. 4321 et seq.).

List of Subjects in 49 FR Parts 172, 173 and 178

Hazardous materials transportation, Labeling, Packaging and containers.

Exemption No.	Applicant holder	Regulation affected	Nature of exemption or application	Proposed amendment
DOT-E 7085 DOT-E 8595 DOT-E 8646	California Seal Control Corp American Pyrotechnics Corp., Odee Manufacturing Co. Marshall Hyde Inc	§ 172.101 § 173.100 § 172.101 § 173.100 § 172.101 § 173.100	Authorizes shipments of pest control devices (Class C explosives) in limited quantities. Devices authorized under DOT-E 7085 consist of a fused spiral wound cardboard tube approximately 2.5 inches long and $^{9}/_{32}$ inch in diameter. Each unit contains a flash power of potassium perchlorate and pyro-aluminum power not exceeding 36 grains, and inert material. Devices authorized under DOT-E 8595 consist of paste-board tube 4 inches long and $1^{1}/_{16}$ inch in diameter. Each unit contains a mixture of not more than 40 grains of potassium perchlorate, sulfur and aluminum power. Each unit also contains 40 grams of iron oxide in a separate compartment in the tube. Devices authorized under DOT-E 8646 consist of a 12 gauge primed cartridge case; not more than 100 grains of smokeless powder; not more than 15 grains of black powder or pyrodex; and not more than 20 grains of a mixture containing 66% aluminum powder and 34% potassium perchlorate. (Modes 1, 2,and 3).	To amend the § 172.101 Table by adding the shipping name "Explosive pest control devices" (see the Table for complete entry). Also, § 173.100 would be amended by adding a definition under § 173.100 to read as follows: (M) Explosive pest control devices, class C explosives, consist of a cardboard-pasteboard type tube not exceeding 4 inches in length and ¾ inch in diameter or a shotgun shell type having an explosive projectile. They may contain a mixture of potassium perchlorate, aluminum powder, sulfur, black powder, smokeless powder or similar pyrotechnic mixture. The component which produces the audible effect may not contain more than 40 grains of explosive composition. Devices and packaging must be of a type examined by the Bureau of Explosives or the Bureau of Mines and approved by the Associate Director for HMR.
DOT-E 7966	The Enterprise Companies	§ 173.245(a)(12)	Authorizes shipments of Paint and varnish remover which are corrosive to skin but not corrosive to steel in one gallon capacity steel containers overpacked in a DOT-12B fiberboard box. (Modes 1 and 2).	To revise paragraph (a)(12) of § 173.245 to read as follows: (12) Specification 12B (§ 178.205 of this subchapter). Fiberboard boxes with inside packagings of metal, polyethylene, or other non-fragile plastic material resistant to the lading, not exceeding 1-gallon each. Metal packagings authorized only for materials that are not corrosive to metal. Gross weight must not exceed 65 pounds.
DOT-E 8083	Matson Navigation Co	§ 172.101 Column (7)(c).	Authorizes shipments of Carbon bisulfide, *or* Carbon disulfide and Nickel carbonyl, in limited quantities, aboard vessels, which are also carrying explosives, under conditions approved by the Captain of the Port. (Mode 3).	To amend the § 172.101 Table by revising Column (7)(c) for the entires Carbon bisulfide, *or* Carbon disulfide (*RQ-5000/2270*) and Nickel carbonyl. For the entry Carbon bisulfide *or* Carbon disulfide, column (7)(c) would read as follows: Keep cool. Not permitted on any vessel transporting explosives, except that quantities not exceeding 200 pounds may be transported on such vessels under conditions approved by the Captain of the Port. For the entry Nickel carbonyl, column (7)(c) would read: Shade from radiant heat. Segregation same as for flammable liquids. Not permitted on a vessel transporting explosives, except that quantities not exceeding 200 pounds may be transported on such vessels under conditions approved by the Captain of the Port.

Exemption No.	Applicant holder	Regulation affected	Nature of exemption or application	Proposed amendment
DOT-E 8129	RAC Service Inc., d/b/a Triangle Resources, Inc., University of Florida Resource Technology Services, Inc., Applied Technology, Inc., Florida State University, Drew Chemical Corp., Bell Laboratories, TRW, Inc., Rhone-Poulenc Inc., American Scientific Products, Lions Technology Inc., CECOS International Inc., Iowa State University, University of Maryland, Allied Chemical, Stanford University, FMC Corp., Safety Specialists Inc., ARCO Chemical Co., The American Recovery Co., Findy Chemical Disposal, Inc., Borg-Warner Chemicals, Inc., Reichold Chemicals, Inc., Ford Aerospace & Communications, Corp., Midwest Research Institute, Union Carbide Corp., The Curators of the University of Missouri, Ecolo, Inc., Varian Associates, Inc., Solvent Service, Inc., Disposal Control Service., Containerized Chemical Disposal, Inc.	49 CFR Part 173 Subparts D, E, F, H, K, L, M, O, and § 177.834(k).	Authorizes shipments of waste material, liquid or solid, classed as flammable liquid, oxidizer, flammable solid, corrosive materials, Poison B liquids and solids, ORM A, B, C or E in inside glass packagings not over 1-gallon capacity, plastic or metal packagings not over 5-gallons capacity overpacked in a DOT Specification 37A, 5-gallons capacity drum or DOT Specification 17H or 6J, 30 or 55 gallon capacity drum. Inside packagings of liquids must be surrounded by non-combustible, absorbent materials capable of absorbing the total liquid contents of the inside containers. (Mode 1).	To add § 173.12 to read as follows: § 173.12 *Exceptions for shipment of waste material.* (a) *General.* Waste material classed as flammable liquid, flammable solid, oxidizer, corrosive material, Poison B or ORM-A, B, C, and E are excepted from the specification packaging requirements of this subchapter if packaged in combination packagings in accordance with this section and transported for disposal or recovery by private or contract motor carrier by highway only. In addition, a generic description from § 172.101 may be used, in place of specific chemical names, when two or more wastes materials in the same hazard class are packaged in the same outside packaging, provided the wastes materials are chemically compatible. (b) *Outside packagings.* The outside packagings must be a specification metal or fiber drum, or a polyethylene drum capable of withstanding (1) the vibration and compression tests specified in § 178.19-7(c)(1) and (2) except the compression test value must be no less than 2400 pounds and (2) a four-foot drop onto an unyielding surface and impacting to top head.
	Bunker Ramo Electronic Systems, U.S. Pollution Control, Inc., Lawrence W. Bierlein, P.C. Advanced Environmental Technology, Corp., Emergency Technical Services Corp., Environmental Transfer Corp., Rollins Environmental Services (DE) Inc., PPG Industries, Inc., Lab Waste Services, Multichem Corp., The BF Goodrich Co., Henkel Corp., Kansas State University, Monsanto Co., Environmental Cleaning Specialists, RCA Corp., IT Corp., Hallmark Cards, Inc., Union Carbide, S & W Waste, Inc., Virginia Polytechnic Institute, and State University, F.T.C. Hazardous, Inc., Chemical Waste Management, Inc., Georgia Institute of Technology, Enviro-Chem Waste Management Services, Earth Industrial Waste Management, Inc.			(c) *Inside packagings.* The inside packagings must be either glass packagings not exceeding 1-gallon rated capacity,or metal or plastic packagings not exceeding a rated capacity of 5 gallons. (d) *Additional packaging requirements.* The following additional requirements are applicable: (1) Each outside packaging may contain only one class of hazardous material; (2) Inside packagings of liquid must be surrounded by a compatible absorbent material compatible with the lading and capable of absorbing the total liquid contents; and (3) Solid hazardous materials may not exceed 200 pounds net weight per outside package.
	Hewlett-Packard Co., General Electric, McCloskey Varnish Company, Harvey Mudd College, Waste Conversion, Inc., Tonawanda Tank Transport Service, Inc., Utah State University, Ralston Purina Company, General Foods Corp., Sherwin Williams Co., Ecology Chemical & Refining Co., Waste Technology Service, Inc., Purdue University, Northwestern University, Chemical Waste Disposal Corp., Chemical Pollution Control, Inc., Drug & Laboratory Disposal, Inc., Stauffer Chemical Co., E.I. DuPont Burroughs Welcome Co., The University of Wyoming, Environmental Response Inc., Synergen, Inc., Cornell University, Hopkins Agricultural Chemical Co., Lawrence University, Industrial Waste Engineering, University of Colorado, Kerr-McGee Chemical Corp.			(e) *Prohibited materials.* The following materials are not authorized under the provisions of this section: acrolein; bromine pentafluoride; bromine trifluoride; chloric acid; chlorine trifluoride; nitric acid, fuming, pyroforic liquids; and sulfuric acid, fuming.
DOT-E 8144	Atlas Powder Co., Hercules Inc., ICI Americas Inc.	§ 173.133(a), (a)(1) and (a)(2).	Authorizes shipments of sports of nitroglycerin not over 10 percent by weight of nitroglycerin in ethyl alcohol or propylene glycol in DOT Specification 12A or 12B fiber board boxes, or 21C fiber drums with inside specification 2E bottles or 2U containers not exceeding 6 quarts capacity each. (Modes 1, 3, and 4).	To amend paragraph (a)(1) of § 173.133 by deleting the word "metal" containers. Also, the introductory text of paragraphs (a) and (b) would be amended by adding the words "or propylene glycol" immediately after the words "ethyl alcohol". Paragraph (a)(2) would be added to read as follows: (2) Specification 12A or 12B (§§ 178.210 or 178.205 of this subchapter). Fiberboard boxes or Spec. 21C (§ 178.224 this subchapter) fiber drums laminated with a 0.004 inch polyethylene lining. Inside containers must be Spec. 2E polyethylene bottles or Spec. 2U polyethylene containers not exceeding 6 quart capacity each, overpacked in a strong polyethylene bag. The inside containers must be entirely surrounded by at least 2 inches of dry, fine sawdust or vermiculite. Not more than 6 quarts of this mixture may be packed in one outside packaging.
DOT-E 8177	A.O. Smith-Inland Inc.	§ 173.245(a)(12)	Authorizes shipments of a material corrosive to skin, but not to metal, in a non-DOT specification metal can, overpacked with a non-hazardous material, in a DOT-12B fiberboard box. (Modes 1, 2, 3 and 4).	See proposed change for DOT-E 7966.

Exemption No.	Applicant holder	Regulation affected	Nature of exemption or application	Proposed amendment
DOT-E 8445	Dow Chemical Co., McDonnell Douglas Corp., Atlantic Coast Environmental, Inc., RCA Corporation, Rohm and Haas, Union Carbide, Diamond Shamrock Corp., SDS Biotech Corp., Waste Conversion, Inc., Resource Technology Services, Inc., Advanced Environmental Technology, Corp., Emergency Technical Services Corp., Environmental Transfer Corp., University of Minnesota, Rollins Environmental Services, Inc., E.I. DuPont, Ace Service Corp., Tennessee Eastman Company, Ciba-Geigy Corp., Earth Industrial Waste Management, Inc., Ecoflo, Inc., Kerr-McGee Chemical Corp., FMC Corp., Owens-Corning Fiberglas Corp.	49 CFR Part 173 Subpart D,E,F & H.	Authorizes shipment of waste material, liqued or solid, classed as flammable liquid, oxidizer, flammable solid, corrosive materials, Poison B liquids and solids (for which exceptions are authorized), ORM-A, B, C or E in inside plastic, glass, earthenware or metal containers, not exceeding one-gallon capacity, overpacked in a DOT specification removable head steel or fiber drum, not exceeding 55 gallons capacity or a 55-gallon removable head polyethylene drum as authorized in DOT-E 7011. (Mode 1).	See proposed amendment for DOT-E 8129.
DOT-E 8511	E.I. DuPont, Interox America, Oxychem Co. Inc., FMC Corp., Montgomery Tank Lines, Inc., The Chlormonne Corp., Coyne Chemical Co.	§ 173.266(f)	Authorizes shipments of Hydrogen peroxide solution in water, containing no greater than 70 percent hydrogen peroxide by weight in DOT Specification MC 312 cargo tanks and DOT Specification 103CW or 111A60W7 tank cars which are constructed to Type 304L, 316, or 316L stainless steel. Each cargo tank must have a MAWP of at least 40 psig and all openings on the top of the tank. Tank must be passivated and the design for venting and pressure relief devices must be examined by the B of E and approved by the Associate Director for HMR. The design of each tank car must be approved in accordance with § 173.31(a) (4) and § 179.3(a). (Modes 1 and 2).	To revise paragraph (f)(1) and the first three sentences of paragraph (f)(2) of § 173.266 to read as follows: (1) Specification 103A-ALW, 103CW, 111A60ALW2, or 111A60W7 (§ 179.200, 179.201 of this subchapter). Tank cars. The 103CW and 111A60W7 tank cars must be fabricated of Type 304L, 316, or 316L stainless steel. (See §§ 173.31(a)(4) and 179.3(a) for additional requirements). (f) * * * (2) Specification MC 310 or MC 312 (§ 178.343 of this subchapter). Tank motor vehicles. Tanks shall be fabricated of aluminum conforming to Aluminum Association Nos. 1060, 1260, 5254, or 5652. Specification MC 312 may be fabricated of Type 304L, 316 or 316L stainless steel * * *
DOT-E 8565	Olin Corp., PPG Industries, Inc., Pennwalt Corp.	§ 173.217(a)(3)	Authorizes shipments of Calcium hypochlorite mixture, dry or Calcium hypochlorite, hydrated in DOT Specification 21C fiber drums having an inner ply consisting of a lamination of polyester film mounted on aluminum foil. (Modes 1, 2, and 3).	To revise paragraph (a)(3) of § 173.217 to read as follows: (3) Specification 21C (§ 178.224 of this subchapter). Fiber drums with inner ply a laminated sheet of paper and aluminum foil, internally coated. Cover of drum shall be gasketed. Authorized net weight not over 400 pounds.
DOT-E 8940	Arapahoe Chemicals, Inc.	§ 173.230	Authorizes shipments of Sodium, metal dispersion in organic solvent in inside DOT Specification 5, 5C, 6B, or 6C closed head metal drums of not over 30 gallons capacity and further overpacked in a DOT Specification 17H metal drum of not over 55 gallons capacity. Inside drum must be snugly packed in the outside drum by being completely and evenly surrounded with vermiculite or equivalent nonreactive cushioning material. (Mode 1).	To add paragraph (a)(5) to § 173.230 to read as follows: (5) Specification 17H (§ 178.118 of this subchapter). Metal drum, with one inside Specification, 5, 5C, 6B, or 6C (§§ 178.80, 178.83, 178.98, 178.99 of this subchapter) closed head metal drum not over 30 gallons capacity. Inside drum must be completely surrounded with incombustible cushioning material.
DOT-E 8946	Department of Defense	§ 173.127	Authorizes shipments of Nitrocellulose, wet with not less than 30 percent by weight of heptane in packagings prescribed in § 7173.127. Present regulations restrict the flashpoint of the solvent to not lower than 30 °F. Heptane has a flashpoint of 25 °F. Test data indicates that a difference of 5 °F. will not make the material more hazardous. (Mode 1).	To amend the introductory text of paragraph (a) in § 173.127 by changing the "30 °F." to read "25 °F" each time it appears.
DOT-E 8962	Olin Corp., PPG Industries, Inc.	§ 173.217(a)(6)	Authorizes shipments of Calcium Hypochlorite, hydrated in DOT Specification 56 steel portable tanks. (Modes 1 and 2).	To revise paragraph (a)(6) of § 173.217 by adding calcium hypochlorite, hydrated.
DOT-E 9009	Stauffer Chemical Co.	§ 173.356	Authorizes shipments of Thiophosgene in DOT Specification 5C drums constructed of Type 304 stainless steel. (Modes 1, 2, and 3).	In § 173.356, paragraph (a)(3) would be renumbered paragraph (a)(4); a new paragraph (a)(3) would be added to read as follows: (3) Specification 5C (§ 178.83 of this subchapter). Steel barrels or drums made of Types 304 stainless steel.
DOT-E 9036	E.I. DuPont	§ 173.301(d)	Authorizes shipment of Tetrafluoroethylene, inhibited in DOT Specifications 3A2400 or 3AA2400 cylinders that are manifolded in accordance with § 173.301(d)(2) during transportation. (Mode 1).	To amend paragraph (d)(2) of § 173.301 to include tetrafluoroethylene, inhibited as an authorized nonliquefied gas in manifolded cylinders.
DOT-E 9042	Noury Chemical Corp.	§ 173.221	Authorizes shipment of tert-Butyl cumyl peroxide in DOT Specification 57 metal portable tanks filled to not more than 90% capacity. (Mode 1).	To add paragraph (a)(13) to § 173.221 to read as follows: (13) Specification 57 (§ 178.253 of this subchapter). Metal portable tanks. Authorized only for tert-butyl cumyl peroxide. Tank may not be filled to more than 90 percent capacity.
DOT-E 9061	Diamond Shamrock Corp.	§ 173.164(a)(6)	Authorizes Shipments of chromic acid, solid in DOT Specification 21C fiber drums lined with low density polyethylene film having a minimum thickness of 0.003-inch or co-extruded multilayered thermoplastic material (identified as "SARANEX") having a minimum thickness of 0.003-inch. (Modes 1 and 2).	To revise paragraph (a)(6) of § 173.164 to read as follows: (6) Specification 21C (§ 178.224 of this subchapter). Fiber drums lined with a plastic material having a minimum thickness of 0.003-inch. Net weight may not exceed 115 pounds.
DOT-E 9125	Tri-Wall Container (Israel), U.S. Agent: C.T. Corp., System, N.Y.	§ 178.168-9 § 178.169-9	Authorizes the use of Mediterranean pine for the construction of DOT Specification 15A and 15B wooden boxes. (Modes 1 and 3).	To amend Group 1 in § 178.168-9, and § 178.169-9 by adding "Mediterranean pine" to the list of authorized woods.

Exemption No	Applicant holder	Regulation affected	Nature of exemption or application	Proposed amendment
DOT-E 9127	FMC Corp	§ 173.217(a)(8)	Authorizes shipments of Trichloro-s-triazinetrione as specified in § 173.217(a)(8) except that the inside bottles may have a maximum net weight of 20 pounds each instead of a maximum net weight of 16 pounds each. (Mode 1).	To revise paragraph (a)(8) of § 173.217 to read as follows: (8) Specification 12B (§ 178.205 of this subchapter). Fibreboard boxes with inside polyethylene bottles with a minimum wall thickness of 0.015 inch. Not more than 2 polyethylene bottles may be packed in one box and each bottle shall contain not more than 20 pounds net weight of commodity. Packaging must be such that it will not react dangerously with or be decomposed by the commodity.
DOT-E 9167	Disposal System, Inc	§ 173.272(i)(25) and (i)(28) § 173.257(a)(4) § 173.262(a)(11) § 173.262(b)(4) § 173.265(b)(4) § 173.297(a)(1)	Authorizes the use of DOT Specification MC 310, MC 311 or MC 312 cargo tanks lined with a material other than prescribed. In addition to the above, and based on a petition from the National Tank Truck Carriers, Inc., the MTB is proposing to change §§ 173.262(a)(11), 173.262(b)(4), 173.265(b)(4), and 173.297(a)(1) to provide for additional types of lining as authorized in § 173.263(a)(10). (Mode 1)	To revise §§ 173.262(a)(11), 173.262(b)(4), 173.265(b)(4), 173.272(i)(25), 173.272(i)(28) and 173.297(a)(1) to read as follows: Specification MC 310, MC 311 or MC 312 (§ 178.343 of this subchapter) Tank motor vehicle lined with rubber or equally acid-resistant material of equivalent strength and durability. Bottom outlets are authorized if they meet the requirements of § 178.343-5 of this subchapter. Note: In § 173.272(i)(28) the sentence "Not authorized for transportation by water" would not be removed. To amend Note 4 of the § 179.101 Table by deleting the period at the end, and adding a sentence to read as follows: 4 * * *; except that tanks used for Hydrogen fluoride may have a dark colored band not exceeding 14 feet wide around the center of the tank in the top platform and fitting area. To revise column 2 of the § 172.101 Table for the entry Initiating explosive (*lead styphnate (lead trinitroresorcinate)*) to read Initiating explosive (*barium styphnate, monohydrate*) *lead styphnate (lead trinitroresorcinate)*) Also, *Barium styphnate, monohydrate*, *See* Initiating explosive would be added to the § 172.101 Table. In § 173.74 barium styphnate, monohydrate would be added each time lead styphnate (lead trinitroresorcinate) appears.
DOT-E 9191	E.I. DuPont	§ 173.264(b)(5) § 179.101 Table, Note 4	Authorizes shipments of Hydrogen fluoride in DOT Specifications 112A400W, 112S400W, and 114A400W tank cars that have a dark colored band not exceeding 14 feet wide, around the center of the tank in the top platform and fitting area. (Mode 2).	
DOT-E 9227	Canadian Arsenals, Ltd. (U.S. Agent: Department of Defense)	§ 172.101 § 173.74	Authorizes shipments of Barium styphnate, monohydrate as prescribed in § 173.74 (Mode 1).	

§ 172.101 Hazardous Materials Table

E A W	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Packaging		Maximum net quantity in one package		Water shipments		
					Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo aircraft only	Cargo vessel	Passenger vessel	Other requirements
(1)	(2)	(3)	(3a)	(4)	5(a)	5(b)	6(a)	6(b)	7(a)	7(b)	7(c)
	Barium styphnate, monohydrate. See Initiating explosive										
	Explosive pest control devices	Class C explosive		Explosive C	None	173.100	50 pounds	150 pounds	1, 3	1, 3D	
	Initiating explosive (*barium styphnate, monohydrate*), *lead styphnate* (*lead trinitroresorcinate*) REMOVE	Class A explosive		Explosive A	None	173.74	Forbidden	Forbidden	6	5	
	Initiating explosive (*lead styphnate* (*lead trinitroresorcinate*)).	Class A explosive		Explosive A	None	173.74	Forbidden	Forbidden	6	5	

(49 U.S.C. 1803, 1804, 1808. 49 CFR 1.53, App. A to Part 1 and paragraph (e)(3) of App. A to Part 106)

Issued in Washington, D.C. on August 23, 1984.

Alan I Roberts,

Associate Director for Hazardous Materials Regulation, Materials Transportation Bureau.

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DEPARTMENT OF TRANSPORTATION

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49 CFR Parts 172, 173, 178, and 179

[Docket HM-139G; Amdt. Nos. 172-97, 173-167, 178-84, and 179-38]

Conversion of Individual Exemptions Into Regulations of General Applicability

AGENCY: Materials Transportation Bureau (MTB), Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: This action is being taken to incorporate into the Department's Hazardous Materials Regulations a number of changes based on the data and analyses supplied in selected exemption applications or from existing exemptions. The need for this action has been created by the public demand to make available new packagings and shipping alternatives that have proven themselves safe under the Department's exemptions program. The intended effect of these amendments is to provide wider access to the benefits of
nsportation innovations recognized
shown to be effective and safe.

EFFECTIVE DATE: These amendments are effective April 22, 1985. However, compliance with the regulations as amended herein, is authorized immediately.

FOR FURTHER INFORMATION CONTACT: Darrell L. Raines, Chief, Exemptions and Regulations Termination Branch, Office of Hazardous Materials Regulation, Materials Transportation Bureau, Washington, D.C. 20590 (202)-426-2075.

SUPPLEMENTARY INFORMATION: On August 28, 1984, the MTB published Notice No. 84-9 (49 FR 34044) under Docket HM-139G which proposed to amend the Hazardous Materials Regulations by incorporating the provisions of certain DOT exemptions into the general regulations. The public comment period ended October 31, 1984.

The MTB received fifteen comments from the general public on Notice 84-9.

Five of the commenters expressed their approval and endorsed the changes as proposed. All of the other comments were favorable and a few recommended minor changes.

The majority of the comments received were in reference to DOT-E 8129 and DOT-E 8445 concerning overpacking waste materials for disposal (i.e., "Lab packs"). The suggested comments were as follows:

(a) Allow more than one hazard class in one outside drum.

(b) Increase the gross weight from 200 pounds to 450 pounds.

(c) Eliminate the private or contract motor carrier restriction.

(d) Require only enough cushioning material to prevent movement or damage to the inner packaging.

(e) Allow the use of any outside DOT specification container capable of passing the required tests. Also, allow the use of a DOT specification fiberboard box lined with a poly-liner.

One commenter requested that the provisions of DOT-E 9154 become a part of the amendments proposed under Docket No. HM-139G. This exemption authorizes the use of a non-DOT specification steel drum of 19-gauge thickness to be used for those hazardous materials that are authorized to be packaged in a 20/18 gauge, 55-gallon capacity, DOT-17E steel drum.

One commenter requested that DOT-E 9182, DOT-E 9241, and DOT-E 9244 be added as a part of this rulemaking. All three of these exemptions were issued to the same Company for the transportation of "Explosives pest repellant devices".

The last commenter suggested that the proposed shipping name "Explosive pest control devices" authorized by DOT-E 9182, DOT-E 9241, and DOT-E 9244 be changed to "Pyrotechnic wildlife dispersal devices".

Concerning DOT-E 8129 and DOT-E 8445, MTB does not agree that more than one hazard class should be allowed in one outside drum. It is noted that DOT-E 8129 specifically states that each outer packaging must contain only chemically compatible materials on the same hazard class. This restriction does not appear in DOT-E 8445, as presently written. Although we are not aware of the occurrence of any specific transportation compatibility problems under DOT-E 8445, the potential for such problems in both transportation and at the treatment or storage facility exists. The MTB realizes that it may be more convenient and cost effective for a shipper to mix hazard classes when the materials are compatible. Because of added risks of this practice, we do not believe that the regulations should be amended at this time to allow different hazard classes in one outside drum.

The original petitioner of DOT-E 8445 requested that the restriction proposed in § 173.12(d)(1) be deleted because the exemption allows mixing of inside packages of different hazard classes in the same outside packaging as long as the materials are compatible and not capable of evolving a dangerous quantity of heat, gas, or Class A poison, if mixed. As indicated above, the MTB does not agree that this rulemaking should allow the mixing of different hazard classes in a single outside packaging. DOT-E 8445 will not be eliminated by this rulemaking. In view of the fact that mixing different hazard classes in one outside packaging may cause problems at disposal sites, the MTB does not anticipate heavy activity under DOT-E 8445. Also, the suggestion that the materials to which § 173.12 would apply to be limited to those for which exceptions are allowed in § 172.101, column 5(a) is not adopted in this rule.

The maximum gross weight has been increased to 450 pounds or the rated capacity of drum; whichever is less.

The MTB does not agree that the restriction on the use of only private or contract motor carriers should be eliminated. The use of private or contract motor carriers allows better control of the transportation of waste material. After a reasonable period of time, when more transportation experience is received, the MTB may consider authorizing the use of common motor carriers.

The use of only enough cushioning material to prevent movement or damage to the inner packaging may not be a safe practice. If enough cushioning material is used to prevent damage to the inner packaging and to asborb the

'd contents, there would not be any ge even if both the inner and de packagings failed. Considering that the outer packaging may be a fiber drum, this is not an unlikely event. For this reason, MTB is retaining the requirement that enough cushioning material be used to absorb the total liquid contents. Also, the MTB does not agree that expanding the use of outside packagings in addition to those authorized under DOT-E 8129 and DOT-8445 is a safe practice.

The suggestion of one commenter to include the provisions of DOT-E 9154 which authorizes the use of a non-DOT specification steel drum into this rulemaking is denied, but will be considered in Docket HM-181.

Exemptions DOT-E 9182, DOT-E 9241, and DOT-E 9244 were issued after Notice No. 84-9 was published. Although the referenced exemptions require the proper shipping name to be "Explosive pest repellent devices" instead of "Explosive pest control devices", the packaging and explosive contents authorized by DOT-E 7085, DOT-E 8595, and DOT-E 8646 for the transportation of "Explosive pest control devices" are very similiar to the "Explosive Pest Repellent Devices" authorized by DOT-E 9182, DOT-E 9241, and DOT-E 9244. A cursory review indicates that two of the new exemptions may be eliminated by these amendments. A further review is being made to determine exactly how DOT-E 9182, DOT-E 9241, and DOT-E 9244 were affected by these amendments.

The Materials Transportation Bureau has determined that this document is not a "major rule" under the terms of Executive Order 12291 or significant under DOT's regulatory policies and procedures (44 FR 11034). A final regulatory evaluation was not prepared as the economic impact of these amendments has been found to be minimal.

Based on limited information available concerning size and nature of entities likely to be affected by this amendment, I certify that this amendment will not have a significant economic impact on a substantial number of small entities.

The following list of **Federal Register** Thesaurus of Indexing Terms applies to this rulemaking:

List of Subjects

49 CFR Part 172

Hazardous materials transportation, Labeling, Packaging and containers.

49 CFR Part 173

Hazardous materials transportation, Packaging and containers.

49 CFR Part 178

Hazardous Materials Transportation, Shipping container specifications.

49 CFR Part 179

Hazardous materials transportation, Railroad safety.

In consideration of the foregoing, 49 CFR Parts 172, 173, 178, and 179 are amended as follows:

PART 172—HAZARDOUS MATERIALS TABLES AND HAZARDOUS MATERIALS COMMUNICATIONS REGULATIONS

1. In § 172.101, the Hazardous Materials Table is amended by adding, removing, or revising the following entries:

§ 172.101 Hazardous materials table.

(W)	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Packaging		Maximum net quantity in one package		Water shipments		
					Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo aircraft only	Cargo vessel	Passenger vessel	Other requirements
(1)	(2)	(3)	3(a)	(4)	5(a)	5(b)	6(a)	6(b)	7(a)	7(b)	7(c)
	ADD										
	Barium styphnate, monohydrate See Initiating explosive.										
	Explosive pest control devices	Class C explosive		Explosive C	None	173.100	50 pounds	150 pounds	1,2	1,3	
	Initiating explosive *barium styphnate, monohydrate, lead styphnate (lead trinitroresorcinate).*	Class A explosive		Explosive A	None	173.74	Forbidden	Forbidden	6	5	
	REMOVE										
	Initiating explosive (*lead styphnate (lead trinitroresorcinate)*).	Class A explosive		Explosive A	None	173.74	Forbidden	Forbidden	6	5	
	REVISE										
	Carbon bisulfide, or Carbon disulfide (*RQ 5000/2270*).	Flammable liquid	UN1131	Flammable liquid	None	173.121	Forbidden	Forbidden	1	5	Keep cool. Not permitted on any vessel transporting explosives, except that quantities not exceeding 200 pounds may be transported on such vessels under conditions approved by the Captain of the Port.

(2)

→ EAW	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Labels required (if not excepted)	Packaging		Maximum net quantity in one package		Water shipments		
					Exceptions	Specific requirements	Passenger carrying aircraft or railcar	Cargo aircraft only	Cargo vessel	Passenger vessel	Other requirements
(1)	(2)	(3)	3(a)	(4)	5(a)	5(b)	6(a)	6(b)	7(a)	7(b)	7(c)
	Nickel carbonyl	Flammable liquid	UN1259	Flammable liquid and Poison	None	173.126	Forbidden	Forbidden	1	5	Shade from radiant heat. Segregation same as for flammable liquids. Not permitted on a vessel transporting explosives, except that quantities not exceeding 200 pounds may be transported on such vessels under conditions approved by the Captain of the Port

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. To add § 173.12 to read follows:

§ 173.12 Exceptions for shipment of waste material.

(a) *General.* Waste material meeting the hazard class definition of a flammable liquid, flammable solid, oxidizer, corrosive material. Posion B or ORM–A, B, C, and E are excepted from the specification packaging requirements of this subchapter if packaged in combination packagings in accordance with this section and transported for disposal or recovery by private or contract motor carrier by highway only. In addition, a generic proper shipping name from § 172.101 may be used in place of specific chemical names, when two or more waste materials in the same hazard class are packaged in the same outside packaging, provided the waste materials are chemically compatible.

(b) *Outside packagings.* The outside packaging must be a DOT specification metal or fiber drum. It may also be a polyethylene drum capable of withstanding: (1) The vibration and compression tests specified in § 178.19–7(c) (1) and (2), except the compression test value must be no less than 2400 pounds, and (2) a four-foot drop test as specified in § 178.19–7(a)(1).

(c) *Inside packagings.* The inside packagings must be either glass packagings not exceeding 1-gallon rated capacity, or metal or plastic packagings not exceeding a rated capacity of 5 gallons.

(d) *Additional packaging requirements.* The following additional requirements are applicable:

(1) Each outside packaging may only contain one hazard class and the materials must be chemically compatible;

(2) Inside packagings of liquid must be surrounded by a compatible absorbent material capable of absorbing the total liquid contents; and

(3) Gross weight may not exceed 450 pounds or the rated capacity of the drum; whichever is less.

(e) *Prohibited materials.* The following materials are not authorized under the provisions of this section: acrolein; bromine pentafluoride; bromine trifluoride; chloric acid, chlorine trifluoride, nitric acid, fuming; pyroforic liquids; and sulfuric acid, fuming

3. In § 173.74, paragraphs (a), (b), and (c) are revised to read as follows:

§ 173.74 Lead styphnate.

(a) The offering of lead styphnate (lead trinitroresorcinate) or barium styphnate, monohydrate in a dry condition for transportation is forbidden, except as a component of manufactured articles such as percussion caps, detonators, blasting caps, and exploders.

(b) Lead styphnate (lead trinitroresorcinate) or barium styphnate, monohydrate must be packed wet with at least 20 percent by weight of water in a Specification 5 or 5B (§§ 178.80, 178.82 of this subchapter) metal barrel or drum, or a Spec. 17H (§ 178.118 of this subchapter) metal drum (single-trip), lined with a heavy, close-fitting jute bag closed by secure sewing. The lead styphnate (lead trinitroresorcinate) or barium styphnate, monohydrate shall be placed in an inside bag made of rubber or rubberized cloth. This bag should be divided into a number of smaller packages. Inside the bag and over the lead styphnate, (lead trinitroresorcinate) or barium styphnate, monohydrate there must be placed a cap of the same fabric and of the same diameter as the bag. The bag and contents must be packed in the center of the metal barrel or drum, and must be entirely surrounded by at least three inches of well-packed sawdust saturated with water. The barrel or drum must be inspected carefully and be determined free of leaks. The dry weight of lead styphnate (lead trinitroresorcinate) or barium styphnate, monhydrate in one outside container may not exceed 150 pounds.

(c) If lead styphnate (lead trinitroresorcinate) or barium styphnate, monhydrate is to be transported during freezing weather it must be wet with a mixture of denatured ethyl alcohol and water so that it does not freeze.

* * * * *

4. § 178.100, paragraph (ii) is added to read as follows:

§ 178.100 Definition of Class C explosives

* * * * *

(ii) Explosive pest control devices, class C explosives, consist of a cardboard-pasteboard type tube not exceeding 4 inches in length and 3/4 inch in diameter or a shotgun shell type having an explosive projectile. They may contain a mixture of potassium perchlorate, aluminum power, sulfur, black powder, smokeless powder or similiar pyrotechnic mixture. The component which produces the audible effect may not contain more than 40 grains of explosive composition. Devices and packaging must be of a type examined by the Bureau of Explosives of the Bureau of Mines and approved by the Associate Director for HMR.

(3)

§ 178.127 [Amended]

In § 178.127 the flash point "30 °F." is amended to read "25 °F." at each of the three places it appears.

* * * * *

6. In § 178.133, paragraph (a)(1) is revised; paragraph (a)(2) is added and the introductory text of paragraph (b) is revised to read as follows:

§ 178.133 Spirits of nitroglycerin.

(a) Spirits of nitroglycerin means nitroglycerin in ethyl alcohol or in propylene glycol. Solutions of nitroglycerin means nitroglycerin in acetone. These mixtures and solutions may not contain more than 10 percent by weight of nitroglycerin. They must be packed in specification packings as follows:

(1) Specifications 15A, 15B, 15C, 16A, 19A, or 19B (§§ 178.168, 178.169, 178.170, 178.185, 178.190, 178.191 of this subchapter). Wooden boxes lined with paraffined paper, Spec. 2L (§ 178.30 of this subchapter), and with inside packagings securely closed with rubber stoppers tied in place. The inside packagings must be entirely surrounded by at least 2 inches of dry, fine sawdust or kieselguhr. Not more than 6 quarts of the spirits or solutions may be packed in any outside wooden box. Inside packagings made of metal are not authorized.

(2) Specification 12A or 12B (§ 178.210 or 178.205 of this subchapter). Fiberboard boxes or Spec. 21C (§ 178.224 of this subchapter) fiber drums laminated with a 0.004 inch polyethylene lining. Inside packagings must be Spec. 2E polyethylene bottles or Spec. 2U polyethylene containers not exceeding 5 gallons capacity each, overpacked in a strong polyethylene bag. The inside packagings must be entirely surrounded by at least 2 inches of dry, fine sawdust or kieselguhr. Not more than 6 quarts of the nitroglycerin mixture may be packed in one outside packaging, except that a maximum of 5 gallons of a nitroglycerin-propylene glycol mixture may be packaged in one Spec. 2U and overpacked in the fiber drum.

(b) Spirits of nitroglycerin consisting of not over 1 percent by weight of nitroglycerin in ethyl alcohol or propylene glycol, in addition to containers specified in paragraphs (a)(1) and (a)(2) of this section, may be packed in specification packagings as follows:

* * * * *

7. In § 173.164, paragraph (a)(6) is revised to read as follows:

3.164 Chromic acid or chromic acid ...ture, dry.

(a) * * *

(6) Specification 21C (§ 178.224 of this subchapter). Fiber drums lined with a plastic material having a minimum thickness of 0.003-inch. Net weight may not exceed 115 pounds.

* * * * *

8. In § 173.217, paragraphs (a)(3), (a)(6), and (a)(8) are revised to read as follows:

§ 173.217 Calcium hypochlorite, hydrated; calcium hypochlorite mixture, dry; lithium hypochlorite mixture, dry; mono-(trichloro) tetra-(monopotassium dichloro)-penta-s-triazinetrione, dry; potassium dichloro-s-triazinetrione, dry; sodium dichloro-s-triazinetrione, dry; trichloro-s-triazinetrione, dry.

(a) * * *

(3) Specification 21C (§ 178.224 of this subchapter). Fiber drums with inner ply consisting of a laminated sheet of paper and aluminum foil, internally coated. Cover of drum must be gasketed. Authorized net weight not over 400 pounds.

* * * * *

(6) Specification 56 (§§ 178.251, 178.252 of this subchapter). Metal portable tank. Authorized only for calcium hypochlorite, hydrated; mono-(tri-chloro) tetra-(monopotassium dichloro)-penta-s-triazinetrione, dry, potassium dichloro-s-triazinetrione, dry; sodium dichloro-s-triazinetrione, dry; and trichloro-s-triazinetrione, dry. For rail transportation, see § 174.63(b) of this subchapter.

* * * * *

(8) Specification 12B (§ 178.205 of this subchapter). Fiberboard boxes with inside polyethylene bottles with a minimum wall thickness of 0.015 inch. Not more than 2 polyethylene bottles may be packed in one box and each bottle must not contain more than 20 pounds net weight of the material. Packaging must be such that is will not react dangerously with or be decomposed by the commodity.

* * * * *

9. In § 173.221 paragraph (a)(13) is added to read as follows:

§ 173.221 Liquid organic peroxides, n.o.s., and liquid organic peroxide solutions, n.o.s.

(a) * * *

(13) Specification 57 (§ 178.253 of this subchapter). Metal portable tanks. Tanks are authorized only for tert-butyl cumyl peroxide. The tank may not be filled to more than 90 percent capacity.

10. In § 173.230, paragraph (a)(5) is added to read as follows:

§ 173.230 Sodium, metallic, dispersion in organic solvent.

(a) * * *

(5) Specification 17H (§ 178.118 of this subchapter). Metal drum, with one inside Specification, 5, 5C, 6B, or 6C (§§ 178.80, 178.83, 178.98, 178.99 of this subchapter) closed head metal drum not over 30 gallons capacity. Inside drum must be completely surrounded with incombustible cushioning material.

11. In § 173.245, paragraph (a)(12) is revised to read as follows:

§ 173.245 Corrosive liquids not specifically provided for.

(a) * * *

(12) Specification 12B (§ 178.205 of this subchapter). Fiberboard boxes with inside packagings of metal, polyethylene, or other non-fragile plastic material resistant to the lading, not exceeding 1-gallon each. A metal packaging is authorized only for a material that is not corrosive to metal. Gross weight may not exceed 65 pounds.

* * * * *

12. In § 173.257, paragraph (a)(4) is revised to read as follows:

§ 173.257 Electrolyte (acid) and alkaline corrosive battery fluid.

(a) * * *

(4) Specification MC 310, MC 311, or MC 312 (§ 178.343 of this subchapter). Cargo tanks must be lined with rubber or equally acid-resistant material of equivalent strength and durability. Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

* * * * *

13. In § 173.262, paragraphs (a)(11) and (b)(4) are revised to read as follows:

§ 173.262 Hydrobromic acid.

(a) * * *

(11) Specification MC 310, MC 311, or MC 312 (§ 178.343 of this subchapter). Cargo tanks must be lined with rubber or equally acid-resistant material of equivalent strength and durability. Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

* * * * *

(a) * * *

(4) Specification MC 310, MC 311, or MC 312 (§ 178.343 of this subchapter). Cargo tanks must be lined with rubber or equally acid-resistent material of equivalent strength and durability. Bottom outlets are authorized if they meet the requirements of § 178.353–5 of this subchapter.

* * * * *

14. In § 173.265, paragraph (b)(4) is revised to read as follows:

(4)

§ 173.265 Fluosilicic acid (hydrofluorosilicic acid) (hydrofluosilicic acid).

* * * * *

(b) * * *

(4) Specification MC 310, MC 311, or MC 312 (§ 178.343 of this subchapter). Cargo tanks must be lined with rubber or equally acid-resistant material of equivalent strength and durability. Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

* * * * *

15. In § 173.266, paragraphs (f)(1) and the first three sentences of (f)(2) are revised to read as follows:

§ 173.266 Hydrogen peroxide solution in water.

* * * * *

(f) * * *

(1) Specification 103A-ALW, 103CW, 111A60ALW2 or 111A60W7 (§ 179.200, 179.201 of this subchapter). Tank cars. The 103CW and 111A60W7 tank cars must be fabricated of Type 304L, 316, or 316L stainless steel. (See §§ 173.31(a)(4) and 179.3(a) for additional requirements).

* * * * *

(2) Specification MC 310 or MC 312 (§ 178.343 of this subchapter). Cargo tanks. Tanks must be fabricated of aluminum conforming to Aluminum Association Nos. 1060, 1260, 5254, or 5652. Specification MC 312 may be fabricated of Type 304L, 316 or 316L stainless steel. * * *

16. In § 173.272, paragraphs (i)(25) and (i)(28) are revised to read as follows:

§ 173.272 Sulfuric acid.

* * * * *

(i) * * *

(25) Specification MC 310, MC 311, or MC 312 (§ 178.343 of this subchapter). Cargo tanks must be lined with rubber or equally acid-resistant material of equivalent strength and durability. Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter.

* * * * *

(28) Specification MC 310, MC 311, or MC 312 (§ 178.343 of this subchapter). Cargo tanks must be lined with rubber or equally acid-resistant material of equivalent strength and durability. Bottom outlets are authorized if they meet the requirements of § 178.343–5 of this subchapter. Not authorized for transportation by vessel.

* * * * *

17. In § 173.301, paragraph (d)(2) is revised to read as follows:

§ 173.301 General requirements for shipment of compressed gases in cylinders.

* * * * *

(d) * * *

(2) Manifolding is authorized for specification cylinders containing the following nonliquefied gases: boron trifluoride, carbon monoxide, ethylene, hydrogen, hydrocarbon gases, methane, nitrogen trifluoride, and tetrafluoroethylene, inhibited, except that aluminum cylinders are not authorized for boron trifluoride or nitrogen trifluoride service. Individual cylinders must be equipped with approved pressure relief devices as required by § 173.34(d) or § 173.315(i) of this Part. Each cylinder must be equipped with an individual shutoff valve that must be tightly closed while in transit. Manifold branch lines of these individual shutoff valves must be sufficiently flexible to prevent damage to the valves which otherwise might result from the use of rigid branch lines. A temperature measuring device may be inserted in one cylinder of a manifold installation in place of the shutoff valve.

* * * * *

18. In § 173.356, paragraph (a)(3) is renumbered (a)(4) and a new paragraph (a)(3) is added to read as follows:

§ 173.356 Thiophosgene.

(a) * * *

(3) Specification 5C (§ 178.83 of this subchapter). Steel barrels or drums made of Type 304 stainless steel.

* * * * *

PART 178—SHIPPING CONTAINER SPECIFICATIONS

§ 178.168–9 [Amended]

19. In § 178.168–9, Group 1 is amended by adding "Mediterranean pine" immediately following the entry "Jack pine".

§ 178.169–9 [Amended]

20. In § 178.169–9, Group 1 is amended by adding "Mediterranean pine" immediately following the entry "Jack pine".

PART 179—SPECIFICATIONS FOR TANK CARS

21. In § 179.101–1(a), Note 4 following the Table is revised to read as follows:

§ 179.101–1 Individual specification requirements.

(a) * * *

4 At least the upper two-thirds of the exterior of the tank manway nozzle and all appurtenances in contact with this area of the tank shall have a finish coat of white paint; except that tanks used for hydrogen fluoride may have a dark colored band not exceeding 14 feet wide around the center of the tank in the top platform and fitting area.

* * * * *

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53, App. A to Part 1).

Issued in Washington, D.C. on March 19, 1985.

L. D. Santman,

Director, Materials Transportation Bureau.

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(5)